



## Austin City Council MINUTES

MAY 16, 1991

### MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

### MINUTES APPROVED

1. Approved Minutes for Regular Meeting of May 9, 1991

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

### 1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Gabriel Folse discussed City support for the arts, current funding methods, and logic of Arts Commission contracts.
3. Mr. David N. Elliott discussed current City issues.
4. Ms. Mary Nunnally requested permission to treat fire ants on City property near the Caprock site at no expense to the City.
5. Mr. J.T. "Tomas" Serrato requested that the Mercado process be stopped.
6. Mr. Marcos DeLeon requested that the Mercado process be stopped.
7. Mr. Paul Hernandez requested that the RFQ on the Mercado be stopped.
8. Mr. Frank Martinez discussed the Mercado.
9. Mr. Gavino Fernandez requested that the Mercado process be stopped.
10. Mr. Larry Binning discussed current salaries of assistants.
11. Mr. Dean Taylor thanked City Council for support of 1991 Austin Bicycle Transportation Week; reported on results of the week's events; and requested that the Council and citizens of Austin remain aware of and help to promote a clean, efficient form of transportation.

**1:30 P.M. - BOARD AND COMMISSION REPORTS**

**12. SIXTH STREET SUBCOMMITTEE - Report from Detoxification Task Force**

**Judge Harriett Murphy, Municipal Court Judge.**

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

- 13. Approved repealing Ordinance No. 860227-A, and amend Ordinance No. 890615-E revising the Financial Management Policy for the City of Austin for the Brackenridge Hospital Patient Discount Policy. (Recommended by Policy, Planning and Budget Subcommittee)**

**7-0 Vote, on Councilmember Nofziger's motion, Councilmember Larson's second, 7-0 Vote.**

- 14. Approved selection (RFQ) of Freese & Nichols, Austin, Texas, for professional engineering services, for the Walnut Creek Wastewater Treatment Plant Effluent Outfall to the Colorado River project, in the amount of \$234,000. (Funding included in C.I.P. No. 434-237-0937). Prime recommendation of twenty-one (21) 10% MBE, 10% WBE Subcontractor participation.**

**7-0 Vote, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second.**

- 15. Approved selection of (RFQ) of CH2M-Hill for professional engineering services for the Walnut Creek Wastewater Treatment Plant Odor Control System project and related improvements, in the amount of \$489,400. (Funding in the amount of \$401,400 included in C.I.P. 434-237-0939 and \$88,000 included in C.I.P. 430-237-0450). Prime recommendation of six (6). 20% MBE, 5% WBE Subcontractor participation.**

**7-0 Vote, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second.**

- 16. Instruct the City Manager to amend Section 13-2-502(d)(2) of the Land Development Code to read: "had filed an application with the Planning and Development Department prior to May 18, 1991 to final plat at least 50% of the land area of the development shown on the preliminary plan and secure approval of such final plats before November 18, 1991. (Mayor Lee Cooke)"**

**Pulled Off Agenda**

**ORDINANCES**

- 17. Amended Ordinance No. 900913-D by appropriating \$7,000.00 from the General Fund Contingency Reserve to the Social Services Fund to fund central city facilities for and food distribution by Caritas, Inc.**

**5-1 Vote, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, Councilmember Epstein voted No, Mayor Pro Tem Urdy out of the room.**

### Zoning (Item 18)

18. Approve second reading of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the area between the following boundaries: North: East 12th Street, Juniper Street, South of Hackberry Street; South: South of East 8th Street, West of San Marcos Street and South of East 11th Street; East: East of Navasota Street, south of Rosewood Street and west of Angelina Street; West: Interstate Highway 35, Case No. C14-88-0103 (East 11th Street NCCD), from SF-3, Family-Residence; SF-3-H, Family Residence-Historic; MF-3, Multi-family Residence; LO Limited Office; GO-CO, General Office-Conditional Overlay; LR, Neighborhood Commercial; CS, Commercial Services; CS-H, Commercial Services-Historic; CS-1-H, Commercial Liquor Sales-Conditional Overlay to SF-3-NCCD, Family Residence-NEIGHBORHOOD CONSERVATION COMBINING DISTRICT; SF-3-H, Family Residence Historic-NCCD; MF-3-NCCD, Multifamily Residence-NCCD; LO-NCCD, Limited Office-NCCD; GO-CO-NCCD, General Office-Conditional Overlay-NCCD; LR-NCCD, Neighborhood Commercial-NCCD; CS-NCCD Commercial Services-NCCD; CS-H-NCCD, Commercial Services-Historic-NCCD, CS-1-NCCD, Commercial Liquor Sales-NCCD; CS-1-H-NCCD, Commercial Liquor Sales-Historic-NCCD; CS-1-CO-NCCD, Commercial Liquor Sales-Conditional Overlay-NCCD, EAST 11TH STREET VILLAGE ASSOCIATION, INC., by Mathias Company. First reading on April 18, 1991; Vote 7-0. Conditions met as follows: Conditions imposed by Council have been incorporated into a Zoning Ordinance, the neighborhood plan prepared by the Mathias Co. for the East 11th Street Village Association, Inc., and a restrictive covenant.

Approved Second Reading Only on Councilmember Larson's motion, Mayor Cooke's second, 5-1 Vote, Councilmember Carl-Mitchell voted No, Councilmember Barnstone out of the room, with same conditions as on first reading with the following modifications: Planning Commission recommendations no. 3 and 6 were deleted, and conditions no. 10 and 12 were modified to allow building height of 30 feet vs. 20 feet along San Marcos St. for a depth of 100 feet, and to permit building off-sets to encroach into the area to be landscaped along San Marcos Street, respectively.

Council also voted separately on a motion by Mayor Pro Tem Urdy, seconded by Councilmember Larson, 6-1 Vote, Councilmember Carl-Mitchell voted No, to include three properties (809 E. 9th St., 819 and 901 E. 8th St.) in the NCCD.

### RESOLUTIONS

19. Approve negotiation and execution of a contract award with LEWIN/ICF, Washington, D.C., for assistance in developing a profile of the number of medically uninsured and the health care needs of persons in Austin and Travis County, in an amount not to exceed \$189,464. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Best proposal of two (2). 10% MBE, 5% WBE Subcontractor participation.

Bring back on May 30, 1991.

20. Approved negotiation and execution of a twelve (12) month contract with AUSTIN FAMILIES, INC., Austin, Texas, for the administration of a child care voucher program to provide subsidies for child care service for low income families, in an amount not to exceed \$111,050. (Funding allocated by Council through 16th Year

(1990-91) Community Development block Grant Funds). 0% M/WBE Subcontractor participation. Sole Proposal. The prime did not identify any subcontracting opportunities.

21. Approved execution of six (6) twelve (12) month supply agreement contracts for flat sheet printing with PRO PRINT (WBE), Austin, Texas; PROTO PRINTING (WBE), Austin, Texas; SWARTOUT & WHITSON DESKTOP PUBLISHERS, Austin, Texas; CROSS ROADS QUIK PRINT (MBE), Austin, Texas; TRENDSETTERS TYPESETTING, Dripping Springs, Texas; and UNIQUE PRINTING, Round Rock, TX, in an amount not to exceed \$250,000 (\$75,000 to Pro Print, and \$35,000 to each of the five others), including the option to extend thereafter for up to one (1) twelve (12) month period in an amount not to exceed \$250,000, for a total amount not to exceed \$500,000. (Funding included in 1990-91 Operating Budget of all City Departments). Low bidders of thirteen (13). The primes did not identify any subcontracting opportunities.
22. Approved execution of twelve (12) month supply agreement contracts for the purchase of crushed limestone, aggregate precoat, crushed gravel and aggregate trap rock, with VULCAN MATERIAL, San Antonio, Texas, in an amount not to exceed \$429,800; CAPITAL AGGREGATE, Austin, Texas, in an amount not to exceed \$146,850; and COLORADO MATERIALS, San Marcos, Texas, in an amount not to exceed \$36,500, for a total amount of \$613,150, with an option to extend each agreement for an additional twelve (12) month period, in the amount of \$429,800, \$146,850, and \$36,500 respectively, for a total amount not to exceed \$1,226,300. (Funding included in the 1990-91 Operating Budget of the Public Works Department. Low bids of five (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
23. Approved execution of a six (6) month supply agreement contract with THE ROHAN COMPANY, Austin, Texas, for the purchase of miscellaneous pipe fitting and connections to be used by the Water and Wastewater Department for construction job sites and routine waterline maintenance, in an amount not to exceed \$50,147.06, with an option to extend for an additional six (6) month period in an amount not to exceed \$50,147.06, for a total amount not to exceed \$100,294.12. (Funding included in the 1990-91 Operating Budget for the General Services Department). Low bid of seven (7). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
24. Approved execution of a twelve (12) month contract with AUSTIN CRUSHED STONE, Austin, Texas, for the supply of flexible base used for the construction and rehabilitation of streets and alleys and to provide all weather road access to pumping stations and reservoirs, in an amount not to exceed \$349,028.12, with one (1) twelve (12) month extension option, in an estimated amount not to exceed \$349,028.12, for a total amount not to exceed \$698,056.24. (Funding in the amount of \$264,180 included in the 1990-91 Operating Budget of the Public Works Department and \$84,848.12 included in the 1990-91 Operating Budget of the Water and Wastewater Department). Low bid of five (5). 10% MBE, 5% WBE Subcontractor participation.
25. Approved execution of a twelve (12) month service agreement with HARPER'S LANDSCAPE SERVICE, Austin, Texas, for housing demolition services, in an amount

not to exceed \$33,750, with the option to extend for up to two (2) twelve (12) month periods in an amount not to exceed \$33,750 per extension, for a total amount not to exceed \$101,250. (Funding included in the 1990-91 Operating Budget of the Department of Planning and Development). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

26. Authorized negotiation of an Interlocal Agreement with the Austin Independent School District (AISD) for the use of City Council Chambers for AISD Board meetings, for a fee of \$212 per meeting.

#20-26 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

3:00 P.M. - ELECTRIC UTILITY (Items 27-37)

27. Electric Utility Commission Report.

No report given.

28. Resource Management Commission Report.

No report given.

29. Monthly Management Report (Fiscal, Operations, Fuel).

Report given by John Moore, Director of Electric Utility.

30. Monthly Utility Receivable Report.

Report given by Byron Marshall, Assistant City Manager.

31. Approved execution of a twenty-two (22) month supply agreement for the purchase of constant daily spot market gas for use in the City's steam electric generating plants to the following ten (10) firms. The program has a total estimated cost of \$6.4 million. (Funding included in Electric Fuel Charge Revenues). The primes did not identify any subcontracting opportunities.

Mobil Natural Gas, Inc.  
TXO Gas Marketing, Inc.  
U.S. Gas Transportation, Inc. (WBE)  
Towler Energy Co.  
Taurus Energy Co.

Reata Industrial Gas L.P.  
Enserch Exploration, Inc.  
Excel Gas Marketing, Inc.  
Gulf Energy Marketing Co.  
Gulf Coast Energy Marketing Co.

32. Approved execution of twenty-two (22) month program for the purchase of daily nominations spot market natural gas for use in the City's steam electric generating plants by awarding supply agreements to the following six (6) firms. The program has a total estimated cost of \$12.8 million. (Funding included in

Electric Fuel Charge Revenues). The primes did not identify any subcontracting opportunities.

Reata Industrial Gas, Inc.  
Renngasco Marketing Corp.  
Anthem Energy Co.

Enserch Gas Co.  
Trinity Pipeline, Inc.  
Natural Gas Marketing

33. Approved execution of three (3) twelve (12) month supply agreement contracts for the purchase of electrical utility supplies (bolts, fuses, links, cable grips, washers and tapes) with TECHLINE INC., Austin, Texas, in an amount not to exceed \$55,698.22; POWER SUPPLY, Austin, Texas, in an amount not to exceed \$54,074.25; and SOUTHWAY ELECTRIC, Austin, Texas, in an amount not to exceed \$50,712.55, for a total amount not to exceed \$160,485.02, with the option to extend for an additional twelve (12) month period in amounts of \$55,698.22, \$54,074.25 and \$50,712.55 respectively, for a total amount not to exceed \$320,970.04. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bidders of eleven (11). 0% M/WBE Subcontractor participation. The primes did not identify any subcontracting opportunities.
34. Approved execution of a contract award with MAGNETEK ELECTRIC, Waukesha, Wisconsin, for two (2) substation power transformers, in the amount of \$890,684. (Funding included in C.I.P. Nos. 317-117-1920-2807-7144-3627). Low bid of eight (8). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
35. Approved execution of a contract with WESTINGHOUSE ELECTRIC, CORP., for the purchase of design modifications for the Boiler Feed pump Turbine Control System at the Decker Power Plant, in an amount not to exceed \$190,832. (Funding included in FY 1990-91 Capital Improvement Program). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

#31-35 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

36. Approved selection (RFQ) of EBASCO SERVICES, INC., Houston, Texas, for professional engineering services for improvements to the Holly and Decker Power Plants, in an amount not to exceed \$600,000 with the option to extend the contract for up to four (4) twelve (12) month periods in the amount of \$600,000 per extension period for a total maximum authorization of \$3,000,000. (Funding included in Electric Utility C.I.P. Budget). Prime Recommendation of seventeen (17). 10% MBE, 5% WBE Subcontractor participation.

7-0 Vote, on Councilmember Nofziger's motion, Councilmember Barnstone's second.

37. Approved execution and ratification of a contract with DEALER'S ELECTRIC SUPPLY, Austin, Texas, for the purchase of pole unit assemblies, in the amount of \$36,934. (Funding included in Electric Utility Department Budget). Low bid of two (2). 0%

M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

##### ZONING DISTRICTS

38. C814-91-0001 (Little Texas Lane PUD) - COHEN-EMMETT JOINT VENTURE, by Minter, Joseph, Thornhill, Little Texas Lane and S. Congress Avenue, from LR, GO, MF-3 to PUD zoning. Planning Commission Recommendation: To grant PUD zoning subject to conditions.

FIRST READING - On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.

39. C14-90-0083 - NORTH CENTRAL AUSTIN GROWTH CORRIDOR MUD #1 (Tract 45), by Department of Planning and Development, 2156, 12166, 12174, 12180, 12190, 12001 & 2009 Park Bend Drive, from I-RR to GR. Planning Commission Recommendation: To grant LR.

GRANTED GR-CO LIMITED TO 7000 SQUARE FEET AND LIMITED TO GENERAL RESTAURANT AND "LR" USES.

FIRST READING - On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Barnstone and Epstein out of the room.

##### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

40. 4:30 P.M. - Amend Chapter 13-2 and 13-5 of the Land Development Code to modify parking requirements for new and expanded religious assembly uses.

Public hearing closed and issue tabled, on Councilmember Barnstone's motion, Mayor Cooke's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Epstein and Nofziger out of the room.

41. 5:00 P.M. - Full purpose annexation of approximately 2.5 acres of land out of the John E. Lynn Survey No. 454.

Public hearing closed, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Nofziger out of the room.

42. 5:30 P.M. - Limited purpose annexation of approximately 43.94 acres located generally in the vicinity of the southwest corner of the intersection of McNeil Road and Farmer Lane.

Public hearing closed, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Barnstone out of the room.

43. 6:30 P.M. - Discuss/Approve an Ordinance regulating phosphorous in detergents. (Mayor Cooke said this would be for household laundry detergents only, exempting commercial.)

Public hearing continued to May 23, 1991 at 3:00 P.M., on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Carl-Mitchell and Mayor Pro Tem Urdy out of the room.

#### ITEMS FROM COUNCIL

44. Report on status of legislation included in the City of Austin's Legislative Program. (Legislative Subcommittee)

Report given by Janice Cartwright.

45. Discuss and approve the Request for Proposal (RFP) for the Catering and Concession Management Services at the new Austin Convention Center. (Councilman Robert Barnstone)

Discussed.

46. Amend the 1990/91 Operating Budget by transferring \$100,600 for the Facilities Fund to the General Fund and appropriate \$100,600 to the Public Information Office Budget for the purpose of acquiring access equipment for Channel 6. (Mayor Lee Cooke and Councilmember Bob Larson)

Postponed to May 23, 1991, at beginning of meeting.

47. Approve a Resolution adopting an Orientation Handbook for Board, Commission, Committee and Task Force Members. (Councilmember Bob Larson)

Postponed to May 23, 1991.

50. Directed the City Manager to investigate the feasibility of implementing a pilot program for plastic collection in conjunction with the National Association for Plastic Container Recovery and report to Council in thirty days.

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.



48. Land Acquisition - Section 2, Paragraph f

Review and discussion of real property acquisition for the City of Austin.

49. Pending/Contemplated Litigation - Section 2, Paragraph e

Discuss Settlement of a claim against the City of Austin filed by Clarence Douglas Holt; Claim No. N-91010035.

RECESS - Council recessed its meeting for executive session from 6:20 to 6:55 P.M.

SETTLEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved settlement of \$250,000 in claim against the City of Austin filed by Clarence Douglas Holt; Claim No. N-91010035, 4-1 Vote, Councilmember Epstein voted No, Councilmember Epstein and Mayor Cooke out of the room.

SPEAKER

Henry Ratliff spoke at the end of the meeting.

ADJOURN

Council adjourned its meeting at 7:38 P.M.